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Attorneys for Defendant  
American West Steamboat Co.  
dba Majestic America Cruise Lines

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

11	CLARABELLE MOURA,	)	Case No.: C 08-04025 WHA
12		)	
13	Plaintiff,	)	<b>STIPULATION AND</b>
14		)	<del><b>[PROPOSED]</b></del> <b>ORDER</b>
15	v.	)	<b>CONTINUING NON-EXPERT</b>
16		)	<b>WITNESS DISCOVERY AND</b>
17	AMERICAN WEST STEAMBOAT CO.	)	<b>EXPERT DISCLOSURE</b>
18	DBA MAJESTIC AMERICA CRUISE	)	<b>DEADLINES FOR 30 DAYS</b>
19	LINES,	)	
20		)	
21	Defendants.	)	
22	_____	)	

Defendant American West Steamboat Co. ("AWSC"), by and through its counsel, hereby submits, and the plaintiff Clarabelle Moura, by and through her counsel, is not opposed to, this Stipulation and [Proposed] Order Continuing the Non-Expert Witness Discovery and Expert Disclosure Deadlines **for 30 days** as follows:

**I. BACKGROUND**

This case arises out of a personal injury allegedly suffered by the plaintiff on AWSC's tour boat in March 2007. On February 5, 2009 the Court issued a Case Management Order setting a trial date on January 11, 2010. The Order also set the non-expert discovery cut-off date and last date for designation of expert witnesses on August 31, 2009.

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STIPULATION AND ~~**[PROPOSED]**~~ ORDER CONTINUING NON-EXPERT WITNESS DISCOVERY AND EXPERT DISCLOSURE  
DEADLINES FOR 30 DAYS

On August 3, 2009, the Court issued a separate Order regarding AWSC's Motion to Dismiss for Improper Venue and Motion to Transfer. In said Order, the Court set a special evidentiary hearing with live witnesses on September 16, 2009. Deadlines were also set to designate witnesses that will testify at the hearing, and to file declarations of those witnesses that constitute their direct testimony. Those deadlines are August 14, 2009 and August 21, 2009, respectively.

## II. REASONS FOR THE REQUEST

Good cause exists for the February 5, 2009 Case Management Order to be modified. F.R.C.P. 16(b)(4). Following the issuance of said Order, the plaintiff's former attorney, Ilse M. Butterfield, caused significant delay in these proceedings in that she was not admitted to practice before this Court (though she claimed to be), and in her failure to timely serve the plaintiff's Initial Disclosures (though she claimed she had). The inconsistencies and discrepancies in Ms. Butterfield's representations to the Court were not addressed until June 23, 2009, at which time the plaintiff requested, and was granted, a Substitution of Attorney. The Court declined to decide AWSC's Motion to Dismiss for Improper Venue and Motion to Transfer following a July 30, 2009 hearing and instead ordered the special evidentiary hearing on September 16, 2009. AWSC's motion is still pending.

As a result, AWSC is faced with complying with the deadlines set forth in the February 5, 2009 Order, which was based on representations by Ms. Butterfield, as well as the August 3, 2009 Order relating to the evidentiary hearing. The parties are diligently working to prepare the declarations of those witnesses who will testify at the evidentiary hearing by the August 21, 2009 deadline. The parties are also attempting to schedule 5-8 depositions that must take place before the non-expert discovery cut-off date of August 31, 2009, the majority of which will have to take place in Seattle, WA. Scheduling these depositions is proving to be difficult given counsels' trial calendar, witness availability, and the unexpected evidentiary hearing.

For these reasons, AWSC argues, and the plaintiff does not object, that good cause exists for a brief continuance. AWSC respectfully requests that the deadlines for non-expert

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1 witness discovery and expert disclosure be continued 30 days until September 30, 2009.

2 AWSC is not requesting a continuance of the trial date.

3  
4 **IT IS SO STIPULATED.**

5  
6 Dated: August 19, 2009

INJIJIAN LAW OFFICE

7  
8 By: 

Susie Injajian  
Attorney for Plaintiff  
CLARABELLE MOURA

9  
10  
11 Dated: August 19, 2009

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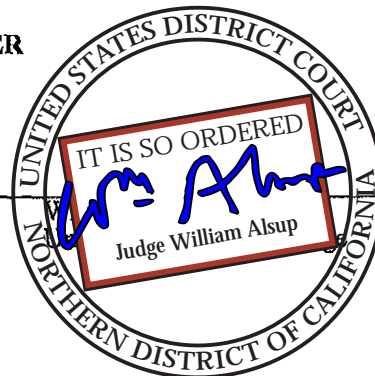
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Brooke L. Dupre  
Attorneys for Defendant  
AMERICAN WEST STEAMBOAT  
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15  
16  
17  
18  
19 **ORDER**

20 **IT IS SO ORDERED.**

21 Dated: August 20, 2009.



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